


COUNTY OF YORK

MEMORANDUM

DATE: January 3, 2006 (BOS Mtg. 1/17/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. UP 669-05, City of Williamsburg and Heritage Humane Society

ISSUE

This application is a request to amend the conditions of approval of a previously approved Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing certain minor modifications to the design and layout of an approved animal shelter expansion on a 3.02-acre site located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of the intersection of Waller Mill Road and Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4.

BACKGROUND

On August 19, 2003, the Board approved an application for a Special Use Permit to expand the Heritage Humane Society animal shelter on Waller Mill Road. A two-year extension of the use permit expiration date was subsequently approved by the Board on July 19, 2005, because of project delays caused by funding issues. Since then the Heritage Humane Society has submitted a preliminary site plan that includes certain minor modifications to the previously approved conceptual design and layout of the expanded animal shelter. Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

1. The existing animal shelter is located on a 1.12-acre parcel on Waller Mill Road that the Heritage Humane Society leases from the City of Williamsburg. Located on watershed property surrounding the Waller Mill Reservoir, the property is designated for Conservation in the Comprehensive Plan and is zoned RR (Rural

- Residential). The Humane Society has entered into a public-private partnership with the city, James City County, and York County to expand the facility on an enlarged lease area of 3.02 acres. This would involve a boundary line adjustment, effectively eliminating the existing parcel and creating a new larger parcel in its place.
2. The animal shelter currently consists of two buildings totaling 5,792 square feet in area: the 2,720-square foot Main Building and the two-story 3,072-square foot Spayth Building, located to the south of the Main Building. The Heritage Humane Society plans to demolish the Main Building and replace it with a one-story building of approximately 9,700 square feet (with expansion capability up to 14,000 square feet) approximately 25-30' to the north. The Spayth Building will remain and will serve as a suite for the spaying and neutering of animals. All animals will remain indoors except for any animals that may be held pending the outcome of a court case, for which the Humane Society is authorized through the original use permit to construct an outdoor "court hold area" (basically a roofed courtyard with walls measuring 3' to 4' feet in height to prevent escape) to the rear of the new shelter.
 3. In preparing a detailed site plan for the animal shelter subsequent to approval of the use permit, the Heritage Humane Society, working with its engineers, architect, and James City County Animal Control, whose offices will be housed at the new shelter, determined that certain modifications to the original concept plan were necessary for the efficient operation of the facility. The most significant of these modifications is the construction of an additional vehicular entrance to the site approximately 215' north of the existing entrance on Waller Mill Road. This is significant because Condition #3 of the resolution of approval for the use permit (R03-129, a copy of which is attached) specifies that no clearing can occur within the required 20' front landscape yard along the Waller Mill Road right-of-way except as necessary to (a) reconstruct the entrance to the site, (b) install an identification sign, and (c) open limited sight lines for the sign. Construction of a new entrance would, besides deviating from the original concept plan, require additional clearing in the front landscape yard and therefore cannot be permitted without an amendment to Condition #3 of the use permit. Other differences between the site plan and the original concept plan include the relocation of the main parking lot from the side of the shelter to the front (behind the 20' landscape yard), a deeper building setback (135' rather than the original 60'), and a somewhat smaller building (9,700 square feet rather than the approved 14,000 square feet, although the Humane Society has indicated that further expansion up to 14,000 square feet is possible sometime in the future).
 4. The Humane Society feels that a second entrance is preferable to the original single-entrance plan as a means of both preventing peak-hour congestion and establishing a clear main entrance to the shelter that will be used by the general public, thereby reducing the likelihood that anyone other than staff members and volunteers will arrive at the spay/neuter suite. The Humane Society will post a sign at the first (existing) entrance designating it for service vehicles only, and the seven (7) parking spaces in that area will be reserved for the visiting veterinarian

and shelter staff. On higher order streets the Zoning Ordinance prohibits or discourages multiple entrances to a single development, but along minor collector roads such as Waller Mill Road, parcels with more than 300' feet of road frontage are entitled to two (2) entrances pursuant to Section 24.1-252(b)(1). The new animal shelter parcel will have approximately 540' of frontage along Waller Mill Road and therefore can accommodate two entrances without impeding safety or traffic flow. In addition, the Virginia Department of Transportation (VDOT) has indicated that it does not object to the second entrance provided that it would be limited to service vehicles and built in accordance with VDOT standards.

5. In adopting the original use permit, the Board included the condition limiting the extent of clearing in the front landscape yard in order to ensure that there would be a visual buffer between the new, much larger animal shelter and the one adjacent development – a single-family detached home located directly across the street and set back approximately 70' from the Waller Mill Road right-of-way (slightly over 100' from the edge of pavement). Since then the front building setback of the shelter has been more than doubled to accommodate the relocation of the parking lot to the front of the site. More importantly, it should be noted that the proposed curb cut is not directly across the street from the existing home but rather is approximately 60' further to the north along Waller Mill Road. Even with the additional entrance the home will continue to be buffered from the new animal shelter and the relocated parking lot by the existing vegetation.

RECOMMENDATION

The second entrance, because of its location, will not detract from the screening value of the front yard landscape buffer or from the overall aesthetics of the site, nor will it detract from the safe and efficient movement of traffic on Waller Mill Road. In addition, the relocation of the main parking lot to the front of the site would not, in my opinion, have any adverse visual or noise impacts on the surrounding area since it will be screened by the landscape buffer. Therefore, I recommend that the Board approve this application through the adoption of proposed Resolution R06-4.

Carter/3337:TCC

Attachments

- Vicinity Map
- Aerial Photo
- Special Use Permit concept plan
- Site plan
- Letter from Dorothy Geyer, Facilities Committee Co-Chair, Heritage Humane Society, dated December 26, 2005
- Letter from Daniel G. Clayton, III, Director of Public Works, City of Williamsburg, dated December 15, 2005
- Approved Resolution R03-129
- Proposed Resolution R06-4